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GENO200.2CIP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MESSIER ET AL. )  
SERIAL NO.: 09/942,252 )  
FILED: AUGUST 28, 2001 )  
FOR: METHODS TO IDENTIFY POLY- )  
NUCLEOTIDE AND POLYPEPTIDE )  
SEQUENCES WHICH MAY BE )  
ASSOCIATED WITH PHYSIOLOGICAL )  
AND MEDICAL CONDITIONS )

ART UNIT:  
EXAMINER:  
CONF. NO.: 6811

Mail Stop: Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND**  
**REQUEST FOR WITHDRAWAL OF NOTICE OF  
ABANDONMENT UNDER 37 CFR 1.53(f) OR (g)**

Dear Sir:

In regard to the referenced application and the Notice of Abandonment of December 9, 2003, Applicants made a submission on December 19, 2003 that included the following items:

- A copy of the Notice of Abandonment of December 9, 2003;
- A copy of the April 4, 2002 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid sequence Disclosures;
- A copy of the April 15, 2002 response including sequence listing, statement under 37 CFR 1.821 and CRF to the April 4, 2002 Notice; and
- A copy of the PTO stamped return postcard for the April 15, 2002 response, which was dated April 22, 2002.

The Request of December 19, 2003 requested that the Notice of Abandonment be withdrawn. No response to the December 19, 2003 Request has ever been received. Moreover, PAIR continues to indicate that the subject application is abandoned.

Applicants therefore submit this SECOND Request for Withdrawal of Notice of Abandonment under 37 CFR 1.53(f) or (g), and enclose copies of all of the above described documents including the CRF.

If it is believed that a phone conference would expedite resolution of this matter, please do not hesitate to call the undersigned.

It is believed that no fee is due with this submission. If this is in error, please charge any fees to Deposit Account No. 19-5117.

Respectfully submitted,

*Margaret M. Wall*

Margaret M. Wall, #33,462  
Swanson & Bratscun, LLC  
1745 Shea Center Drive, #330  
Highlands Ranch, CO 80129  
303-268-0066

*July 27, 2004*  
Date *J*

cc: G. Orndorff w/o encls.  
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EXPRESS MAIL LABEL NO. EV 303490607 US  
GENO200.2CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	MESSIER ET AL.	)	
		)	ART UNIT:
SERIAL NO.:	09/942,252	)	
		)	EXAMINER:
FILED:	AUGUST 28, 2001	)	
		)	CONF. NO.: 6811
FOR:	METHODS TO IDENTIFY POLY-	)	
	NUCLEOTIDE AND POLY PEPTIDE	)	
	SEQUENCES WHICH MAY BE	)	
	ASSOCIATED WITH PHYSIOLOGICAL	)	
	AND MEDICAL CONDITIONS	)	

COPY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR WITHDRAWAL OF  
NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) OR (g)

Dear Sir:

In regard to the referenced application and the Notice of Abandonment of December 9, 2003, Applicants respectfully point out that a timely and proper response to the April 4, 2002 Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, was submitted by the undersigned on April 15, 2002. The response included a new sequence listing in computer readable form (CRF) and a Statement under 37 CFR 1.821(f). A copy of both the Notice to Comply with Requirements for Patent Applications of April 4, 2002, and the response of April 15, 2002 (including CRF), are enclosed herewith. Also enclosed is a PTO stamped return postcard dated April 22, 2002.

In view of the foregoing, it is respectfully requested that the Notice of Abandonment of December 9, 2003 be withdrawn or rescinded.

It is believed that no fee is due with this submission. If this is in error, please charge any necessary fees to Deposit Account No. 19-5117.

Respectfully submitted,

Dec 19 2003  
Date

*Margaret M. Wall*  
Margaret M. Wall, #33,462  
Swanson & Bratschun, LLC  
1745 Shea Center Drive, #330  
Highlands Ranch, CO 80129  
303-268-0066

cc: G. Omdorff w/ encls.  
L:\WPDOCS\Genoplex\Geno200.2CIP\res1.doc



COPY

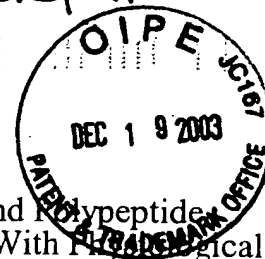
DATE: December 19, 2003

GenoZoo.2/CIP

APPLICANT: Messier et al.

SERIAL NO: 09/942,252

FOR: Methods To Identify Polynucleotide And Polypeptide Sequences Which May Be Associated With Physiological And Medical Conditions



**RECEIPT IS HEREBY ACKNOWLEDGED OF:**

Request for Withdrawal of Notice of Abandonment Under 37 CFR 1.53(f) or (g), Copy of Notice of Abandonment, Copy of Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence, Copy of Transmittal Letter, Copy of Statement Under 37 CFR 1.821(f), Copy of Postcard as submitted, Copy of PTO Stamped Postcard, Disk with electronic sequence listing

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**FROM: (PLEASE PRINT)** PHONE ( )

**SWANSON & BRATISCHUN LLC**  
1745 SHEA CENTER DR STE 330  
HIGHLANDS RANCH CO 80129-1539

**GENO200.2CIP**

**TO: (PLEASE PRINT)** PHONE ( )

**MAIL STOP**  
**COMMISSIONER FOR PATENTS**  
**PO BOX 1450**  
**ALEXANDRIA VA 22313-1450**

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DATE: December 19, 2003

Geno200.2/CIP

APPLICANT: Messier et al.

SERIAL NO: 09/942,252

FOR: Methods To Identify Polynucleotide And Polypeptide  
Sequences Which May Be Associated With Physiological  
And Medical Conditions

**RECEIPT IS HEREBY ACKNOWLEDGED OF:**

Request for Withdrawal of Notice of Abandonment Under 37 CFR  
1.53(f) or (g), Copy of Notice of Abandonment, Copy of Notice to  
Comply with Requirements for Patent Applications Containing  
Nucleotide Sequence, Copy of Transmittal Letter, Copy of Statement  
Under 37 CFR 1.821(f), Copy of Postcard as submitted, Copy of PTO  
Stamped Postcard, Disk with electronic sequence listing

Express Mail No. EV 303490607 US



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO./TITLE
09/942,252	08/28/2001	Walter Messier	Geno200.2CIP

25871  
 SWANSON & BRATSCHUN L.L.C.  
 1745 SHEA CENTER DRIVE  
 SUITE 330  
 HIGHLANDS RANCH, CO 80129

COPY  
 COPY

CONFIRMATION NO. 6811  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC000000011450472\*

Date Mailed: 12/09/2003

### NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/04/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

*J. Stokes*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/942,252	08/28/2001	Walter Messier	Geno200.2CIP

25871  
SWANSON & BRATSCHUN L.L.C.  
1745 SHEA CENTER DRIVE  
SUITE 330  
HIGHLANDS RANCH, CO 80129

COPY  
COPY

CONFIRMATION NO. 6811

## FORMALITIES LETTER



\*OC000000007797520\*

Date Mailed: 04/04/2002

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY



Attorney Docket: GENO200.2/CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MESSIER *ET AL.*

SERIAL NO.: 09/942,252

FILED: AUGUST 28, 2001

TITLE: METHODS TO IDENTIFY POLYNUCLEOTIDE  
AND POLYPEPTIDE SEQUENCES WHICH MAY  
BE ASSOCIATED WITH PHYSIOLOGICAL AND  
MEDICAL CONDITIONS

EXAMINER:

ART UNIT:

CNFRM NO.: 6811

Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202  
Box SEQUENCE

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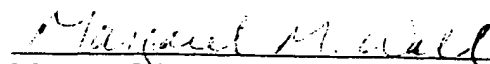
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TRANSMITTAL LETTER

Sir:

Applicant hereby submits, in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, mailed April 4, 2002, a disk containing a computer readable form of the sequence listing in the above-referenced application and a Statement Under 37 C.F.R. § 1.821(f).

Respectfully submitted,



Margaret M. Wall, #33,462  
Swanson & Bratschun, L.L.C.  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
Telephone: (303) 268-0066  
Facsimile: (303) 268-0065

cc: Ginny Orndorff

\\CLIENT FOLDERS\EVOLUTIONARY GENOMICS\200-2\CIP\SEQ TRANSMITTAL LETTER.DOC

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Arlington, VA 22202 on \_\_\_\_\_

Signature: \_\_\_\_\_

name: Tasha L. Cove





Attorney Docket: GENO200.2/CIP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: MESSIER *ET AL.*

SERIAL NO.: 09/942,252

FILED: AUGUST 28, 2001

TITLE: METHODS TO IDENTIFY POLYNUCLEOTIDE AND  
POLYPEPTIDE SEQUENCES WHICH MAY BE  
ASSOCIATED WITH PHYSIOLOGICAL AND  
MEDICAL CONDITIONS

EXAMINER:

ART UNIT:

CNFRM NO.: 6811

Assistant Commissioner for Patents  
P.O. Box 2327  
Arlington, VA 22202  
Box SEQUENCE

COPY

COPY

STATEMENT UNDER 37 C.F.R. § 1.821(f)

Dear Sir:

Enclosed is a computer readable form of the SEQUENCE LISTING for the above-identified application submitted under 37 C.F.R. § 1.821(e). A paper copy of the SEQUENCE LISTING has been submitted under 37 C.F.R. § 1.821(c).

I hereby state that the contents of the disk and the paper copy are the same. 37 C.F.R. § 1.821(f).

The paper and disk copies of the SEQUENCE LISTING include no new matter. 37 C.F.R. § 1.821(g).

Respectfully submitted,

Margaret M. Wall  
Margaret M. Wall, #33,462  
Swanson & Bratschun, L.L.C.  
1745 Shea Center Drive, Suite 330  
Highlands Ranch, Colorado 80129  
(303) 268-0066

37 CFR 1.8

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Arlington, VA 22202 on \_\_\_\_\_

Signature: \_\_\_\_\_

Name: Tasha L. Cove

S:\CLIENT FOLDERS\EVOLUTIONARY GENOMICS\200-2\CIP\SEQUENCE STATEMENT.DOC

COPY  
COPY

DATE: April 15, 2002

APPLICANT: Messier et al.

SERIAL NO: 09/942,252

FOR:

Methods To Identify Polynucleotide And Polypeptide  
Sequences Which May Be Associated With Physiological  
And Medical Conditions

**RECEIPT IS HEREBY ACKNOWLEDGED OF:**  
Statement Under 37 C.F.R. § 1.821(f): (1pg)

Sequence Listing in Computer Readable Form: (1 disk)

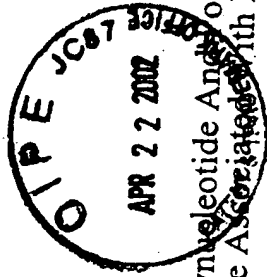
Docket: GENO 200.2/CIP

DATE: April 15, 2002

APPLICANT: Messier et al.

SERIAL NO: 09/942,252

FOR: Methods To Identify Polynucleotide And Polypeptide  
Sequences Which May Be Associated With Physiological  
And Medical Conditions



**RECEIPT IS HEREBY ACKNOWLEDGED OF:**

Statement Under 37 C.F.R. § 1.821(f): (1pg)

Sequence Listing in Computer Readable Form: (1 disk)

Docket: GENO 200.2/CIP

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